

Ross.
Stafford.
Stone.
Terrell.
Tillett.

Turney.
Wayland.
Yantis.
Yett.

Excused.

Boren. Linn of Victoria.
Goss. Linn of Wharton.
Gough. Rogers.
Harrison. Woods.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate of the passage of Senate joint resolution No. 7, amending article 8 of the Constituion of Texas, adding thereto section 20, providing for the organization of irrigation districts and for the levying and collection of a tax for the construction of reservoirs, dams and canals,

With House amendment.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Turney, the Senate concurred in House amendment to Senate joint resolution No. 7.

Senator Colquitt withdrew his appeal from the ruling of the Chair on his point of order made to the amendment offered by Senator Beall to Senate bill No. 83 (see morning session.)

Action then recurred on the amendment offered by Senator Beall, to-wit:

Amend section 9 of the bill by inserting after the word "officials," in line 27, the following: "in excess of the maximum amounts herein allowed."

By Senator Greer:

Substitute for the amendment the following: Add after the words "county officials," occurring in Senator Wayland's amendment adopted February 27, 1897, the following words: "in excess of the maximum when in their judgment such compensation is necessary, provided such compensation for ex officio services shall not exceed the amounts now allowed under the law for similar services."

Senator Beall accepted the substitute.

Pending action,

On motion of Senator Lewis, the Senate adjourned to 10 a. m. to-morrow by the following vote:

Yeas—12.

Bailey. Burns.
Beall. Colquitt.

Darwin.
Dibrell.
Lewis.
Morris.

Neal.
Presler.
Stafford.
Turney.

Nays—11.

Atlee. Terrell.
Bowser. Tillett.
Greer. Wayland.
Kerr. Yantis.
Ross. Yett.
Stone.

Excused.

Boren. Linn of Victoria.
Goss. Linn of Wharton.
Gough. Rogers.
Harrison. Woods.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, March 2.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Neal.
Bailey.	Presler.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Absent.

Boren. Harrison.
Goss. Morris.
Gough.

Excused.

Linn of Victoria. Woods.
Rogers.

Prayer by Rev. Dr. French of Austin.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with by the following vote:

Yeas—17.

Bailey.	Kerr.
Beall.	Linn of Wharton.
Burns.	Neal.
Colquitt.	Presler.
Darwin.	Ross.
Greer.	Stone.

Terrell. Yantis.
Tillett. Yett.
Wayland.

Nays—4.

Dibrell. Stafford.
Lewis. Turney.

Absent.

Atlee. Goss.
Boren. Gough.
Bowser. Morriss.

Excused.

Harrison. Rogers.
Linn of Victoria. Woods.

On motion of Senator Yett,
Senator Morriss was excused from
attendance upon the Senate for to-day,
on account of sickness.

On motion of Senator Turney,
Senator Harrison was excused for
Monday, to-day and Wednesday, on
account of important business.

On motion of Senator Presler,
Senator Linn of Wharton was ex-
cused for Saturday and Monday, on
account of important business.

PETITIONS AND MEMORIALS.

By Senator Linn of Wharton:
Petition from citizens of Wharton
county, protesting against restrictive
medical legislation.

Read and referred to the Committee
on Public Health.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 1, 1897.
Hon. Geo. T. Jester, President of the
Senate.

Your Committee on Insurance, Sta-
tistics and History, to whom was re-
ferred

Senate bill No. 192, a bill to be en-
titled "An act making it unlawful for
fire insurance companies, fire and ma-
rine, and marine insurance companies,
not incorporated by the laws of the
State of Texas, but legally licensed to
transact the business of fire insurance,
fire and marine and marine insurance
therein, and doing business therein
through regularly commissioned and
licensed agents, to place or cause to
be placed insurance against loss by
fire on property in this State except
through agents located in the State, le-
gally authorized and licensed to write
policies of insurance therein, and pre-
scribing penalties for violation of the
same."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the re-
commendation that it do pass.

BOWSER, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 27, 1897.

Hon. Geo. T. Jester, President of the
Senate.

Your Committee on Counties and
County Boundaries, to whom was re-
ferred

Senate bill No. 237, a bill to be en-
titled "An act to amend article 812, of
chapter 5, of the Revised Civil Stat-
utes of the State of Texas of 1895."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the re-
commendation that it do pass.

BEALL, Acting Chairman.

Committee Room,
Austin, Texas, March 2, 1897.

Hon. George T. Jester, President of
the Senate.

Your Committee on Towns and City
Corporations, to whom was referred

Senate bill No. 249, a bill to be en-
titled "An act to amend sections 1, 6, 7,
105, 105a, 105b and 105c, of an act en-
titled an act to amend sections 38, 103,
105, 106 and 138 of an act entitled
an act to incorporate the city of Fort
Worth, and to grant a charter to said
city, approved March 20, 1889, and
sections 6, 7, 29, 34, 88 and 102 of said
act, as amended by the Twenty-second
Legislature in 1891, and to add thereto
sections 35a, 35b, 101a, 101b, 101c,
101d, 101e, 102a, 103a, 104a, 106a,
106b, and also 105a, 105b, 105c, in re-
ference to the board of equalization,
and providing for an appeal from said
board to the district court, passed by
the Legislature of Texas in the year of
1895, and to add to said act the follow-
ing sections, to-wit: 105d, 105e, 105f,
105g, 105h, 105n, 105o and 105p, and
repeal all laws and parts of laws in
conflict with this act."

Have had the same under considera-
tion, and I am instructed to report the
same back to the Senate with the re-
commendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of
the Senate.

Your Committee on State Affairs, to
whom was referred

Senate bill No. 169, a bill to be en-
titled "An act to fix and regulate the
franchise tax to be paid annually by
all foreign corporations who procure
permits to do business in this State,
and to require the forfeiture of such
permits and right to sue or collect
judgments when full payment is not
made."

Have had the same under consideration, and I am intructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by striking out in section 1, "\$5 for every \$10,000 or fractional part of that sum" and inserting in lieu thereof "\$2.50 or fractional part of that sum."

Amend by adding to section 2 of the bill: "Any transportation company, or other corporation, now paying an annual income tax on the proceeds or earnings in this State shall not come under the provisions of this act."

BEALL, Chairman.

Committee Room.

Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 181, a bill to be entitled "An act to amend article 5068 of chapter 2, title 104, of the Revised Civil Statutes of the State of Texas, relating to the rendition of property for taxation."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room.

Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 180, a bill to be entitled "An act to amend article 5098 of chapter 3, title CIV, of the Revised Civil Statutes of the State of Texas, relating to the rendition of property for taxation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room.

Austin, Texas, March 1, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

Senate bill No. 193, a bill to be entitled "An act to amend article 4308, title XC, of the Revised Civil Statutes of the State of Texas, relating to public weighers."

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room.

Austin, Texas, March 2, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 66, a bill to be entitled "An act to provide for single election polls in cities and towns not having more than 400 electors, and to repeal all laws and parts of laws in conflict therewith."

And find the same correctly enrolled, and have this day, at 11:10 a. m., presented the same to the Governor for his approval.

NEAL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Lewis:

Senate bill No. 250, a bill to be entitled "An act to amend article 5243k, of the Revised Civil Statutes of Texas, relating to certain exemptions from payment of franchise tax by adding thereto fair associations."

Read first time and referred to Judiciary Committee No. 1.

By Senator Tillett:

Senate bill No. 251, a bill to be entitled "An act to prohibit in certain cases the gathering of pecan nuts, and the cutting, injuring or destroying of pecan trees, and prescribing penalties therefor."

Read first time and referred to Judiciary Committee No. 2.

By Senator Presler:

Senate bill No. 252, a bill to be entitled "An act to establish and provide for the government and maintenance of a normal department of the University of Texas."

Read first time and referred to Committee on Education.

By Senator Colquitt (by request):

Senate bill No. 253, a bill to be entitled "An act to amend chapter 13, title XCIV, of the Revised Civil Statutes of the State of Texas, by adding articles 4568a and 4568b."

Read first time and referred to Committee on Internal Improvements.

By Senator Terrell:

Senate bill No. 254, a bill to be entitled "An act to amend article 615, chapter 18, title 11, of the Revised Civil Statutes of the State of Texas, providing for the abolishment of the incorporation of towns and villages."

Read first time and referred to Com-

mittee on Towns and City Corporations.

By Senator Tillett:

Resolved, that the Sergeant-at-Arms be and he is hereby directed to furnish the Assistant Sergeant-at-Arms with keys to the stationery room, and he is further directed to keep said stationery department accessible to Senators at all hours of the day between 9 o'clock a. m. and 10 o'clock p. m.

Adopted.

Call concluded.

On motion of Senator Bowser, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 197, a bill to be entitled "An act to incorporate the city of Dallas and grant it a new charter."

Bill read second time.

By Senator Bowser:

Amend by striking out in line 13, section 9, page 7, "a city attorney."

Adopted.

By Senator Bowser:

Amend by adding after the word "collection," in line 2, page 9, section 19, the words "a city attorney."

Adopted.

By Senator Bowser:

Amend by striking out on page 6, section 9, in lines 28 and 29, the words "a city judge."

Adopted.

By Senator Bowser:

Amend by striking out on page 7, section 9, in lines 12 and 13, the words "a city judge."

Adopted.

By Senator Bowser:

Amend by adding after the word "treasurer," in line 1 of page 9, the words "a city judge."

Adopted.

By Senator Bowser:

Amend by adding after the word "auditor," in line 2, page 17, section 40, the words, "and all warrants on the city treasurer must be audited by the city auditor."

Adopted.

By Senator Bowser:

Insert "provide said court with a seal and shall," after the word "shall," in line 14, page 12, section 28.

Adopted.

By Senator Bowser:

Amend by adding after the word "election," in line 7, page 6, the following, "and shall not be in arrears in the payment of any tax or other liability due the city."

Adopted.

By Senator Bowser:

Amend by adding to section 120 the following: "Provided, that nothing in this section shall prohibit the issuance of bonds necessary to construct an electric light plant not to exceed \$50,000."

Adopted.

By Senator Bowser:

Amend by adding after the word "journeyman," line 28, page 27, section 100, the following, "to license, tax or regulate any itinerant or transient vendor of clothing or wearing apparel, or article of bedding or merchandise of any description whatever."

Adopted.

On motion of Senator Bowser, the bill as amended was laid on the table subject to call.

On motion of Senator Bailey, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 249, a bill to be entitled "An act to amend sections 1, 6, 7, 105, 105a, 105b, and 105c, of an act entitled an act to amend sections 38, 103, 105, 106 and 138 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88 and 102 of said act, as amended by the Twenty-second Legislature in 1891, and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b, 105c, in reference to the board of equalization, and providing for an appeal from said board to the district court, passed by the Legislature of the State of Texas in the year 1895, and to add to said act the following sections, to-wit: 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act,"

By the following vote:

Yeas—17.

Bailey.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Greer.	Turney.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—5.

Atlee.	Presler.
Colquitt.	Wayland.
Neal.	
Beall.	Absent.
Boren.	Goss.
	Gough.

Excused.

Harrison. Rogers.
Linn of Victoria. Woods.
Morriss.

Bill read second time.

By Senator Bailey:

Amend line 21, page 6, by striking out the figures "\$1200" and inserting "\$1500," and add after the figures "\$1200," line 29, page 6, the following: "The city assessor and collector of taxes shall receive as compensation 10 per cent of the amount collected from real estate and 3½ per cent of the amount collected from personal property and 5 per cent on the amount collected from occupation, and 10 per cent on the amount collected from poll taxes, to be retained in each case out of the moneys collected."

Adopted.

(Senator Kerr in the chair.)

The bill as amended was ordered engrossed.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Neal.
Bailey.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Beall.	Gough.
Boren.	Stone.
Goss.	

Excused.

Harrison. Rogers.
Linn of Victoria. Woods.
Morriss.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Neal.
Bailey.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Beall.	Goss.
Boren.	Stone.
Gough.	

Excused.

Harrison. Rogers.
Linn of Victoria. Woods.
Morriss.

(Lieutenant Governor Jester in the chair.)

On motion of Senator Colquitt, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 224, a bill to be entitled "An act to amend article 5175a, chapter 4, title CIV, of the Revised Civil Statutes of 1895, relating to the collection of taxes due on property conveyed by deeds of assignment, trust deeds or other conveyances."

Bill read second time, with committee amendments.

Committee amendments adopted.

Bill as amended ordered engrossed.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 2, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 66, a bill to be entitled "An act to provide for single election polls in cities and towns not having more than 300 electors, and to repeal all laws and parts of laws in conflict therewith."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The Chair gave notice of signing, and did sign in the presence of the Senate, after the captions had been read, the following bills:

Senate bill No. 66, a bill to be entitled "An act to provide for single election polls in cities and towns not having more than 300 electors, and to repeal all laws and parts of laws in conflict herewith."

Substitute House bill No. 17, a bill to be entitled "An act to amend title 96, chapter 3, Revised Statutes (1895), of the State of Texas, by adding thereto, after article 4640, an article to be known as article 4640a, prohibiting the admission to record of instruments in any other than the English language, except instruments executed

prior to the taking effect of this act, which may be recorded if accompanied by a sworn translation thereof."

House bill No. 109, a bill to be entitled "An act to amend article 1814, article 1815 and article 1816, of title XXXVII, of the Revised Civil Statutes of 1895 of the State of Texas, relating to the time and manner of making returns to the Secretary of State of elections for electors for President and Vice-President, and of estimating the same and of the meeting of the electors."

House bill No. 54, a bill to be entitled "An act to amend article, 338 of the Penal Code of the State of Texas, adopted A. D. 1895, so as to fix the penalty for unlawfully carrying arms, at a fine of not less than \$25 nor more than \$200."

House bill No. 268, a bill to be entitled "An act to create a more efficient road system for Travis county, in the State of Texas."

House bill No. 242, a bill to be entitled "An act to amend the charter of the city of Galveston, by adding thereto section 73c, in order to empower the said city of Galveston to grant rights of way to railroads and depot companies for tracks on Strand street or Avenue B, or any portion thereof west of Twenty-fifth street, and to confirm certain rights heretofore granted by the city council of the city of Galveston to the Gulf, Colorado and Santa Fe Railway Company to erect and maintain tracks on portions of said street and to occupy a portion of Twenty-sixth street for depot purposes."

On motion of Senator Lewis,

Senate bill No. 215, a bill to be entitled "An act to regulate the trial of civil actions for damages for libel, and the damages that may be allowed in such cases,"

Was made special order for Friday, March 5, and from day to day.

By unanimous consent,

Senator Neal sent up the following resolution:

Resolved, that whereas the Hon. J. C. Hutcheson of Houston, a member of Congress from the First Congressional District of Texas, is now in the city, that he be invited to a seat with the President of the Senate.

Unanimously adopted.

By unanimous consent,

Senator Atlee offered the following resolution:

Resolved, that we, as representatives of the people of Texas, recognize the patriotism and bravery of the fathers

of Texan independence, whose acts and deeds of heroism made possible the establishment of a government of the people and secured to us the heritage of freedom and free institutions which we enjoy to-day.

Unanimously adopted.

Senator Yantis moved that the Senate adjourn to 3 p. m.

Senator Kerr moved as a substitute that the Senate adjourn to 10 a. m. tomorrow in honor of the anniversary of Texan independence.

The motion prevailed, and the Senate adjourned to 10 a. m. to-morrow.

THIRTY-EIGHTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, March 3.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Greer.	Wayland.
Kerr.	Yantis.
Lewis.	Yett.

Absent.

Boren.	Morriss.
Gough.	Turney.

Excused.

Harrison.	Woods.
Linn of Victoria.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Yantis,

Senator Gough was excused for non-attendance upon the Senate for Monday and Tuesday, on account of important business.

On motion of Senator Rogers,

Senator Morriss was excused for today, on account of sickness.

On motion of Senator Dibrell,

Senator Goss was excused for non-attendance from Thursday last to and